

DATE JULY 2014

LOCATION: 628 N 2ND AVE.

Requested Action: Zoning variation to reduce the front yard setback requirement for the principal building from 20 ft. to 9.26 ft. and the interior side yard setback requirement for the principal building from 10 ft. to 5.7 ft. The front yard is located along the north property line adjacent to Bent Avenue and the interior side yard is along the east property line.

Purpose and Scope: The purpose of the variation is to enclose an existing breezeway between the principal building (the existing house) and an accessory detached building (the existing garage). Accessory buildings that are attached to a principal building are required to comply with all yard setback requirements of the principal building. The existing detached garage does not meet the required front or interior side yard setback requirements that would be applicable to the principal building, and therefore a variation is necessary for the buildings to be attached.

Existing Land Use: Residential

Existing Zoning: RT-3 Traditional Single-Family Residential



CITY OF ST. CHARLES

ZONING BOARD OF APPEALS
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984

FOR OFFICE USE
Received <u>6/26/2014</u>
File # <u>V-3-2014</u>
Fee Paid \$ <u>300</u>
Receipt <u>335329</u>

APPLICATION FOR A VARIATION

PLEASE PRINT AND PROVIDE ALL INFORMATION AS REQUESTED.

APPLICANT & OWNER:

Name of Applicant* RODNEY AND PATRICIA MILLER Phone 630-513-7167
Address/City/State/Zip 40W 718 CAMPTON WOODS DR, ELBURN IL 60119
Applicant's interest in the property CONTRACT TO PURCHASE
Name and Phone of Owner(s) of Record* RICHARD AND BETSY ANDERSON
630-877-0584
Applicant is (check one) ☐ Attorney ☐ Agent ☐ Owner ☒ Other: PURCHASER
Owner acquired the property on (date): 1986

ADDRESS, USE & ZONING OF PROPERTY:

Address of Property (attach legal description) 628 N. 2ND AVENUE, ST. CHARLES
Present Use (commercial, industrial, residential, etc.) RESIDENTIAL
Zoning District RB-3
To your knowledge, have any previous applications for variations been filed in connection with this property? NO
If YES, provide relevant information _____

ACTION BY APPLICANT ON PROPERTY:

Permit applied for and denied? (yes or no) NO
An Appeal was made with respect to this property? (yes or no) NO
Appeal Application File Number _____
Appeal approved? (yes or no) _____
Appeal Application accompanies this request for variation? (yes or no) _____

*In the event that the applicant or owner is a trustee of a land trust or beneficiary of a land trust, a statement identifying each beneficiary by name and address of such land trust and defining his/her interest therein must be attached hereto. Such statement shall be verified by the trustee of such trust.

REASON FOR REQUEST:

- A. Variation requested (state specific measurements) SEE ATTACHED
- B. Reason for request SEE ATTACHED
- C. Explanation of purpose for which property will be used RESIDENCE

ACTION BY APPLICANT ON PROPERTY:

- A. What physical characteristics would prevent the property from being used in conformity with the requirements of the zoning ordinance? REBUILDING OR MOVING THE GARAGE DOES NOT CONFORM WITH HISTORICAL LANDMARK REQUIREMENTS.
- B. Are the conditions stated above applicable to other properties within the same zoning classification? (explain) NOT SURE, LIMITED DUE TO NUMBER OF LANDMARKED PROPERTIES
- C. Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) YES. THE ADDITION WHICH MAKES THE GARAGE NON CONFORMING, WILL PROVIDE FOR ACCESS TO BATHROOM FACILITY FOR VISITORS WITH PHYSICAL LIMITATIONS.
- D. Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) NO

- E. Based on your answers to the preceding questions, check the box that you believe most accurately states your position with regard to the property if the property is permitted to be used only under the conditions allowed by regulations in the zoning district. Explain the basis for your answer:

☐ Cannot yield a reasonable return

☒ Is greatly reduced in value WITHOUT ADDITION, PHYSICALLY LIMITED PERSONS WILL NOT HAVE ACCESS TO REASONABLE BATHROOM FACILITIES.

☐ The owner is deprived of all reasonable use of the property

HARMONY WITH GENERAL PURPOSE AND INTENT:

- A. Will the proposed variation alter the essential character of the property? (explain) No. THE VARIATION WILL ALLOW THE HISTORICAL CHARACTER OF THE PROPERTY TO REMAIN.

REASON FOR REQUEST:

5.7

- A. Variation requested (specific measurements) - according to the most recent survey, the garage sits approximately 7 feet from the interior side property line (required 6 feet or 10% of lot width - 10 feet) and 9.26 feet from the front property line (required 20 feet).
- B. Reason for request - The need for a variance is being created by our desire to convert in the existing breezeway in to living space. Although the new space would be well within setback limits, the garage as it sits would not. The house and garage are already attached by a roof. The additional space would exist primarily under that roof. As the house and garage together are a designated historical landmark residence in St. Charles, we do not want to move or alter the existing garage. The new space will be used in part to provide a bathroom in the residence that is accessible to persons with limited mobility. Currently, the home has a first floor powder room that is not usable by anyone who has physical hardship in mobility. It is also limited in privacy, as the door to the powder room cannot be closed while the room is in use. The connection between the house and garage will also provide the residents an important protection in times of inclement weather.
- C. Explanation of purpose - residence

- B. Will the proposed variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located? (explain) NO. EXISTING STRUCTURE IS THE PIECE IN NEAR OF VARIATION.
- C. Will the proposed variation(s) impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood? (explain) NO. EXISTING STRUCTURE. ADDITION (WHICH COMPLIES) WILL OCCUR UNDER AN EXISTING PERM.

ATTACHMENTS REQUIRED:

- A. One (1) copy of a plat of survey or plot plan (to scale) of the property showing dimensions of all lot lines, existing and proposed structures and distances from lot lines, easements and adjoining streets or uses.
- B. A written certified list containing the registered owners, their mailing addresses and tax parcel numbers as recorded in the Office of the Recorder of Deeds in the county in which the property is located and as appears from the authentic tax records of such county, of all property within 250 feet in each direction of the location for which the variation is requested, proved all the number of feet occupied by all public roads, streets, alleys and other public ways shall be excluded in computing the 250 feet requirement. The Kane County Recorder of Deeds is located in the Kane County Government Center, 719 Batavia Avenue, Geneva.
- C. Filing fee in the amount of **\$300.00** must be rendered at the time the application is submitted. If payment is made by check, it should be made payable to the City of St. Charles.
- D. Reimbursement to the City of miscellaneous fees is as follows: **Review hours by Building and Code Enforcement Division Manager, Publication of legal notice; court reporter and transcript fees; mailing (postage) costs.** The reimbursement of these miscellaneous fees *must be paid prior to issuance of any permit* in connection with the requested action.
- E. Letter of authorization from the property owner as to the request for the zoning variation must be included, if such authorization is applicable.
- F. Disclosure of beneficiaries of a land trust must be included, if applicable.
- G. A variation shall lapse after twelve months from the date of grant thereof unless construction authorized is commenced on a building permit for the use specified by the variation within twelve months, or the use in commenced within such period.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.

Richard Anderson
Signature of Applicant or agent

Richard Anderson
Signature of owner

RODNEY AND PATRICIA MILLER 6/26/14
Print name of applicant/agent Date

Richard Anderson 6/26/14
Print name of owner Date

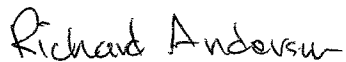
June 26, 2014

City of Saint Charles
Zoning and Plan Commission
2 East Main Street
Saint Charles, Illinois 60174

RE: Variance Application for 628 N. 2nd Avenue

To Whom It May Concern:

We have received word that the future owners have submitted an application for variance on the above property. As the current owners of the property, we are aware of and support the application. Please allow this process to move forward per the applicants' request, as they will be owners of record by August 1, 2014. Thank you for your time and consideration.



Richard Anderson
630-877-0584


Betsy Anderson



SCALE: 1" = 20'

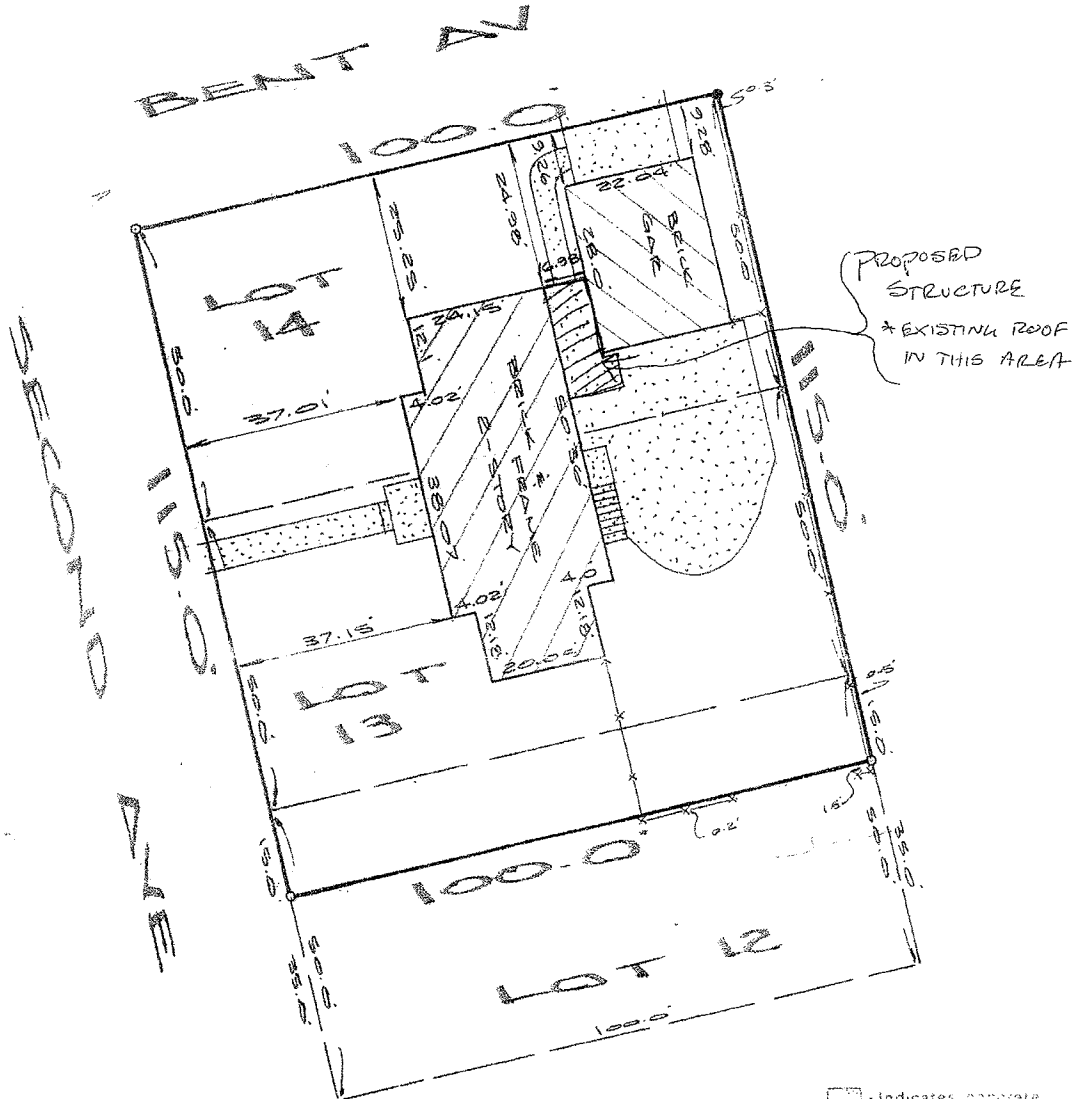
Village Green Assoc., Inc.

Land Surveyors

Plat of Survey



OF PROPERTY DESCRIBED AS: LOTS 13 AND 14 AND THE NORTHERLY 15 FEET OF LOT 12 IN BLOCK 3 OF GRAND VIEW ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.



CAVEAT:

Fences must not be erected using building ties - rather, metal stakes at lot corners must be utilized.

PREPARED FOR MR. KEN BLOOD, ATTY.

PROPERTY ADDRESS 628 N. SECOND AVE.

ST. CHARLES, ILLINOIS

STATE OF ILLINOIS
COUNTY OF KANE) SS

BUYER: ANDERSON

We, Village Green Assoc., Inc., do hereby certify that the building on the lot shown are within the property lines and that the adjoining building improvements do not encroach on said lot, except if, and where, noted thusly. *

James T. Stowell
JAMES T. STOWELL R.L.S. NO. 1952

Any discrepancy in measurements should be promptly reported to the surveyor for explanation or correction.

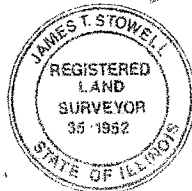
COMPARE THE DESCRIPTION ON THIS PLAT WITH DEED.
REFER TO DEED FOR EASEMENTS AND BUILDING LINES.

DATED: APRIL 24, 1986

STATE OF ILLINOIS
COUNTY OF KANE) SS

We, Village Green Assoc., Inc., do hereby certify that we have surveyed the above described property according to the official record, and that the above plat correctly represents said survey.

James T. Stowell
JAMES T. STOWELL R.L.S. NO. 1952



Village Green Assoc., Inc.

506 BARRETT STREET
ELGIN, ILLINOIS 60120

Phone (312) 695-4235

8777

City of St. Charles, Illinois

Historic Preservation Commission Resolution No. 5-2014

A Resolution Recommending Approval of a Zoning Variation (628 N. 2nd Ave., Sinton Anderson House – Rodney & Patricia Miller)

WHEREAS, it is the responsibility of the St. Charles Historic Preservation Commission to review applications for the Zoning Variations for designated Historic Landmarks; and

WHEREAS, the Historic Preservation Commission has reviewed the Zoning Variation Application for 628 N. 2nd Ave., the Sinton Anderson House, a Historic Landmark, and has found the variation will have no negative impact on the historic resources of the City, particularly with regard to the designated landmark; and

WHEREAS, the Historic Preservation Commission finds approval of said Zoning Variation Application to be in the best interest of the City of St. Charles.

NOW THEREFORE, be it resolved by the St. Charles Historic Preservation Commission to recommend to the Zoning Board of Appeals approval of the Zoning Variation Application for 628. 2nd Ave. The Commission further forwards the following comments:

- The house is a well-preserved Historic Landmark and the proposal is an appropriate way to meet the needs of a new owner while still preserving the integrity of the house.
- Demolition of the garage to provide a new attached garage in conformance with the Zoning Ordinance requirements would be detrimental to the landmark status of the property, as the Historic Commission considers the garage to be part of the landmark.

Resolution No. 5-2014

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Roll Call Vote:

Ayes: Bobowiec, Malay, Norris, Gibson

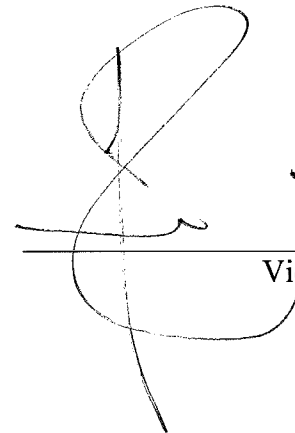
Nays: None

Abstain: None

Absent: Pretz, Withey, Smunt

Motion Carried.

PASSED, this 2nd day of July, 2014.



Vice Chairman